

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TESSERON, LTD.,	)	
an Ohio Limited Liability Company	)	
8792 Mainesville Road	)	CIVIL ACTION NO.
Mainesville, Ohio 45039,	)	
	)	JUDGE
Plaintiff,	)	
	)	
vs.	)	
	)	COMPLAINT FOR PATENT
R.R. DONNELLEY & SONS COMPANY	)	<u>INFRINGEMENT</u>
c/o C.T. Corporation System	)	
1300 East Ninth Street	)	
Cleveland, Ohio 44114,	)	DEMAND FOR JURY TRIAL
	)	
Defendant.	)	

---

**JURISDICTION**

1. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. section 1, *et seq.* Jurisdiction and venue in this district are based upon the provisions of 28 U.S.C. §§ 1331, 1338 (a), 35 U.S.C. § 281 and 28 U.S.C. §§ 1391 and 1400 (b).

**PARTIES**

2. Plaintiff Tesseror, Ltd. is an Ohio Limited Liability Company, with its place of business in Maineville, Ohio.

3. Defendant R.R. Donnelley & Sons Company ("R.R. Donnelley") is a Delaware Corporation with its principal place of business at 111 South Wacker Drive, Chicago, Illinois 60606, whose Statutory Agent is C.T. Corporation System, Inc., 1300 East 9<sup>th</sup> Street, Cleveland, Ohio 44114.

4. Defendant R.R. Donnelley has done and continues to do business in this Judicial District.

**FIRST CAUSE OF ACTION FOR INFRINGEMENT  
OF UNITED STATES PATENT NO. 5,729,665**

5. On March 17, 1998, United States Patent No. 5,729,665 (“the ‘665 patent”) entitled “Method of Utilizing Variable Data Fields with a Page Description Language” was duly and legally issued to Varis Corporation. A copy of the ‘665 patent is attached as Plaintiff’s Exhibit 1 to the Complaint.

6. On May 24, 2001, the ‘665 patent was assigned from Varis Corporation to Tesseract Ltd. Said assignment was duly recorded in the U.S. Patent and Trademark Office on July 2, 2001 at reel/frame 011944/0233. A copy of the duly executed assignment document is attached as Plaintiff’s Exhibit 2 to the Complaint.

7. Upon information and belief, Defendant R.R. Donnelley has infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and currently is contributorily infringing at least one claim of the ‘665 patent in the United States by making, using, selling and/or offering to sell products that embody the inventions described and claimed in the ‘665 patent; specifically by the making, using, selling and/or offering to sell variable data printing systems and services.

8. Defendant R.R. Donnelley was first placed on notice by plaintiff Tesseract Ltd. of the ‘665 patent by a letter dated September 11, 2002 and addressed to Bill Davis at R.R. Donnelley. A copy of the September 11, 2002 letter is attached as Plaintiff’s Exhibit 3 to the Complaint.

9. Upon information and belief, Defendant R.R. Donnelley’s infringement of the ‘665 patent has been willful, deliberate and in conscious disregard of Plaintiff’s rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

10. As a result of R.R. Donnelley's actions, Tesseract Ltd. has suffered and continues to suffer substantial injury, including irreparable injury, and will result in damages to Tesseract Ltd., including loss of sales and profits, which Tesseract Ltd. would have made but for the infringement by R.R. Donnelley, unless R.R. Donnelley is preliminarily and/or permanently enjoined by this Court.

**SECOND CAUSE OF ACTION FOR INFRINGEMENT  
OF UNITED STATES PATENT NO. 5,937,153**

11. On August 10, 1999, United States Patent No. 5,937,153 ("the '153 patent") entitled "Method of Utilizing Variable Data Fields with a Page Description Language" was duly and legally issued to Varis Corporation. A copy of the '153 patent is attached as Plaintiff's Exhibit 4 to the Complaint.

12. On May 24, 2001, the '153 patent was assigned from Varis Corporation to Tesseract Ltd. Said assignment was duly recorded in the U.S. Patent and Trademark Office on July 2, 2001 at reel/frame 011944/0233. A copy of the duly executed assignment document is attached as Plaintiff's Exhibit 2 to the Complaint.

13. Upon information and belief, Defendant R.R. Donnelley has infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and currently is contributorily infringing at least one claim of the '153 patent in the United States by making, using, selling and/or offering to sell products that embody the inventions described and claimed in the '153 patent; specifically by the making, using, selling and/or offering to sell variable data printing systems and services.

14. Defendant R.R. Donnelley was first placed on notice by plaintiff Tesseract Ltd. of the '153 patent by a letter dated September 11, 2002 and addressed to Bill Davis at R.R. Donnelley. A copy of the September 11, 2002 letter is attached as Plaintiff's Exhibit 3 to the Complaint.

15. Upon information and belief, Defendant R.R. Donnelley's infringement of the '153 patent has been willful, deliberate and in conscious disregard of Plaintiff's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

16. As a result of R.R. Donnelley's actions, Tesseract Ltd. has suffered and continues to suffer substantial injury, including irreparable injury, and will result in damages to Tesseract Ltd., including loss of sales and profits, which Tesseract Ltd. would have made but for the infringement by R.R. Donnelley, unless R.R. Donnelley is preliminarily and/or permanently enjoined by this Court.

**THIRD CAUSE OF ACTION FOR INFRINGEMENT  
OF UNITED STATES PATENT NO. 6,381,028 B1**

17. On April 30, 2002, United States Patent No. 6,381,028 B1 ("the '028 patent") entitled "Method of Utilizing Variable Data Fields with a Page Description Language" was duly and legally issued to Tesseract Ltd. A copy of the '028 patent is attached as Plaintiff's Exhibit 5 to the Complaint.

18. On May 24, 2001, the '028 patent (then pending application U.S. Ser. No. 09/299,502) was assigned from Varis Corporation to Tesseract Ltd. Said assignment was duly recorded in the U.S. Patent and Trademark Office on July 2, 2001 at reel/frame 011944/0233. A copy of the duly executed assignment document is attached as Plaintiff's Exhibit 2 to the Complaint.

19. Upon information and belief, Defendant R.R. Donnelley has infringed and

continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and currently is contributorily infringing at least one claim of the '028 patent in the United States by making, using, selling and/or offering to sell products that embody the inventions described and claimed in the '028 patent; specifically by the making, using, selling and/or offering to sell the variable data printing systems and services.

20. Defendant R.R. Donnelley was first placed on notice by plaintiff Tesseract Ltd. of the '028 patent by a letter dated September 11, 2002 and addressed to Bill Davis at R.R. Donnelley. A copy of the September 11, 2002 letter is attached as Plaintiff's Exhibit 3 to the Complaint.

21. Upon information and belief, Defendant R.R. Donnelley's infringement of the '028 patent has been willful, deliberate and in conscious disregard of Plaintiff's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

22. As a result of R.R. Donnelley's actions, Tesseract Ltd. has suffered and continues to suffer substantial injury, including irreparable injury, and will result in damages to Tesseract Ltd., including loss of sales and profits, which Tesseract Ltd. would have made but for the infringement by R.R. Donnelley, unless R.R. Donnelley is preliminarily and/or permanently enjoined by this Court.

**FOURTH CAUSE OF ACTION FOR INFRINGEMENT  
OF UNITED STATES PATENT NO. 6,687,016 B2**

23. On February 3, 2004, United States Patent No. 6,687,016 B2 ("the '016 patent") entitled "Method of Utilizing Variable Data Fields with a Page Description Language" was duly and legally issued to Tesseract Ltd. A copy of the '016 patent is attached as Plaintiff's Exhibit 6 to the Complaint.

24. On May 24, 2001, the '016 patent (as a yet un-filed continuation of the '153 and

'028 patents) was assigned from Varis Corporation to Tesseract Ltd. Said assignment was duly recorded in the U.S. Patent and Trademark Office on July 2, 2001 at reel/frame 011944/0233. A copy of the duly executed assignment document is attached as Plaintiff's Exhibit 2 to the Complaint.

25. Upon information and belief, Defendant R.R. Donnelley has infringed and continues to infringe, has actively induced and currently is actively inducing others to infringe, and/or has contributorily infringed and currently is contributorily infringing at least one claim of the '016 patent in the United States by making, using, selling and/or offering to sell products that embody the inventions described and claimed in the '016 patent; specifically by the making, using, selling and/or offering to sell the variable data printing systems and services.

26. Defendant R.R. Donnelley was first placed on notice by plaintiff Tesseract Ltd. of the '016 patent by a letter dated March 30, 2004 and addressed to William E. McCracken, counsel for R.R. Donnelley. A copy of the march 30, 2004 letter is attached as Plaintiff's Exhibit 7 to the Complaint.

27. The U.S. patent application for the '016 patent was published by the U.S. Patent and Trademark Office on July 11, 2002 as US 2002/0089681 A1 ("the '681 published application"). A copy of the '681 published application is attached as Plaintiff's Exhibit 8 to the Complaint.

28. Defendant R.R. Donnelley was first placed on notice by plaintiff Tesseract Ltd. of the '681 published application by a letter dated September 11, 2002 and addressed to Bill David at R.R. Donnelley. A copy of the September 11, 2002 letter is attached as Plaintiff's Exhibit 3 to the Complaint.

29. Upon information and belief, Defendant R.R. Donnelley's infringement of the

'016 patent has been willful, deliberate and in conscious disregard of Plaintiff's rights, making this an exceptional case within the meaning of 35 U.S.C. § 285.

30. As a result of R.R. Donnelley's actions, Tesseront Ltd. has suffered and continues to suffer substantial injury, including irreparable injury, and will result in damages to Tesseront Ltd., including loss of sales and profits, which Tesseront Ltd. would have made but for the infringement by R.R. Donnelley, unless R.R. Donnelley is preliminarily and/or permanently enjoined by this Court.

### **DEMAND FOR JUDGMENT**

**WHEREFORE**, Tesseront Ltd. prays for judgment as follows:

1. R.R. Donnelley be declared and adjudged to have infringed, actively induced others to infringe, and/or contributorily infringed United States Patent No. 5,729,665.
2. That R.R. Donnelley, its agents, sales representatives, distributors, servants and employees, attorneys, affiliates, subsidiaries, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or in participation with any or all of them, be enjoined and restrained preliminarily and permanently, from infringing, actively inducing others to infringe, and/or contributorily infringing United States Patent No. 5,729,665.
3. An accounting be had for the profits and other damages arising out of R.R. Donnelley's infringement of United States Patent No. 5,729,665, and that the damages be trebled pursuant to 35 U.S.C. § 284 for the willful acts of infringement complained of herein and awarded to Tesseront Ltd., together with prejudgment and post-judgment interest.
4. R.R. Donnelley be declared and adjudged to have infringed, actively induced others to infringe, and/or contributorily infringed United States Patent No. 5,937,153.
5. That R.R. Donnelley, its agents, sales representatives, distributors, servants and employees, attorneys, affiliates, subsidiaries, successors and assigns, and any and all persons or



entities acting at, through, under or in active concert or in participation with any or all of them, be enjoined and restrained preliminarily and permanently, from infringing, actively inducing others to infringe, and/or contributorily infringing United States Patent No. 5,937,153.

6. An accounting be had for the profits and other damages arising out of R.R. Donnelley's infringement of United States Patent No. 5,937,153, and that the damages be trebled pursuant to 35 U.S.C. § 284 for the willful acts of infringement complained of herein and awarded to Tesseron Ltd., together with prejudgment and post-judgment interest.

7. R.R. Donnelley be declared and adjudged to have infringed, actively induced others to infringe, and/or contributorily infringed United States Patent No. 6,381,028 B1.

8. That R.R. Donnelley, its agents, sales representatives, distributors, servants and employees, attorneys, affiliates, subsidiaries, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or in participation with any or all of them, be enjoined and restrained preliminarily and permanently, from infringing, actively inducing others to infringe, and/or contributorily infringing United States Patent No. 6,381,028 B1.

9. An accounting be had for the profits and other damages arising out of R.R. Donnelley's infringement of United States Patent No. 6,381,028 B1, and that the damages be trebled pursuant to 35 U.S.C. § 284 for the willful acts of infringement complained of herein and awarded to Tesseron Ltd., together with prejudgment and post-judgment interest.

10. R.R. Donnelley be declared and adjudged to have infringed, actively induced others to infringe, and/or contributorily infringed United States Patent No. 6,687,016 B2.

11. That R.R. Donnelley, its agents, sales representatives, distributors, servants and employees, attorneys, affiliates, subsidiaries, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or in participation with any or all of them,



be enjoined and restrained preliminarily and permanently, from infringing, actively inducing others to infringe, and/or contributorily infringing United States Patent No. 6,687,016 B2.

12. An accounting be had for the profits and other damages arising out of R.R. Donnelley's infringement of United States Patent No. 6,487,568 B1, and that the damages be trebled pursuant to 35 U.S.C. § 284 for the willful acts of infringement complained of herein and awarded to Tesseron Ltd., together with prejudgment and post-judgment interest.

13. Plaintiff Tesseron Ltd. be awarded such other costs and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Tesseron Ltd. demands a trial by jury on the causes of action set forth herein.

Respectfully submitted,

/s/ Peter M. Poulos

Peter M. Poulos (0047210)

ppoulos@taftlaw.com

Stephen M. O'Bryan (0009512)

sobryan@taftlaw.com

David H. Wallace (0037210)

dwallace@taftlaw.com

Taft, Stettinius & Hollister LLP

3500 BP Tower

200 Public Square

Cleveland, OH 45202-3957

(216) 241-2838

(216) 241-3707 (Facsimile)

L. Clifford Craig (0024859)

craigc@taftlaw.com

Taft, Stettinius & Hollister LLP

425 Walnut Street, Suite 1800

Cincinnati, OH 45202-3957

(513) 381-2838

(513) 381-0205 (Facsimile)

*Counsel for Plaintiff, Tesseron, Ltd.*